

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
	:	<u>ORDER</u>
PAUL CUELLO,	:	
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 25, 2022, the parties requested that the Court schedule a change-of-plea hearing; WHEREAS it has been determined that Courtroom 443 has adequate ventilation to allow people to remove their masks when speaking, provided they are appropriately socially distanced;

WHEREAS notwithstanding the adequate ventilation, based on a new Courthouse-wide safety protocol, no one may unmask in Courtroom 443 unless he or she has tested negative for COVID-19 using an approved molecular diagnostic test (antigen tests are not approved); and

WHEREAS if a person has had a confirmed case of COVID-19 (verified by either a doctor's note or a viral test result) within the prior ninety days, he or she will be exempted from these testing requirements provided that confirmation of negative test results (or of a prior case of COVID- 19) is provided to the Court through its staff.

IT IS HEREBY ORDERED that a change-of-plea hearing will be held on **Thursday, March 3, 2022 at 11:00 A.M.** The change-of-plea proceeding will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

IT IS FURTHER ORDERED that per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire

and have his or her temperature taken. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

IT IS FURTHER ORDERED that the Court's "test or mask" policy will be in effect for the hearing on March 3, 2022. It applies to all parties, counsel, and Court staff who wish to speak without a mask. Counsel should make adequate preparations to comply with the requirements before arriving to the hearing, as the Court will not grant any delay because of this policy. Alternatively, if counsel or the parties do not wish to undergo testing, they may choose to remain masked at all times, including while speaking.

IT IS FURTHER ORDERED that the Court has tests that can be made available to the parties and counsel free-of-charge provided that there is 24-hours' notice sent to covid_response@nysd.uscourts.gov; arrangement must be made to take the test at least one hour prior to the scheduled appearance time. Alternatively, counsel and parties may arrange to be tested away from the Courthouse.

Only the following tests have been approved:

- PCR / RT-PCR / ddPCR / Rapid PCR (Polymerase Chain Reaction)
- NAA / NAAT (Nucleic Acid Amplification)
- AMP PRB (Amplified Probe) • LAMP (Loop-mediated Isothermal Amplification)
- Accepted molecular diagnostic test brands, including but not limited to:
 - Abbott ID NOW
 - Quidel Lyra PCR
 - Abbott Realtime PCR
 - Cobas Qualitative PCR
 - FTD PCR
 - Xpert Xpress
 - Simplexa Direct PCR
 - RUCDR Infinite Biologics
 - Lucira Health

The following tests are NOT approved:

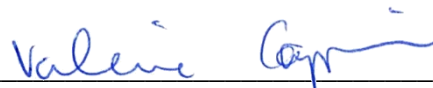
- All tests that do not have FDA authorization or approval

- All Antigen (Ag) tests (including but not limited to Quidel Sophia, Abbott BinaxNOW Rapid Antigen Tests)
- All Antibody tests (such as IgG, IgA, IgM and Rapid Antibody Tests)
- All blood tests (such as fingerstick, venipuncture)
- All plasma tests
- All serum tests

Anyone wishing to remove his or her mask must provide the Court with proof that he or she has taken an approved test within the last 24 hours as to which the results were negative. Any questions regarding this order should be directed to covid_response@nysd.uscourts.gov.

SO ORDERED.

Dated: February 28, 2022
New York, NY



VALERIE CAPRONI
United States District Judge